

DUNCAN MILLER

IBLA 77-416

Decided September 12, 1977

Appeal from decision of the Eastern States Office, Bureau of Land Management, canceling in part acquired lands oil and gas lease ES 10847.

Affirmed.

1. Oil and Gas Leases: Acquired Lands Leases--Oil and Gas Leases: Cancellation

Where minerals not owned by the United States have been leased for oil and gas purposes under the terms of the Mineral Leasing Act for Acquired Lands, the lease must be canceled because only acquired minerals owned by the United States are subject to leasing under that Act.

APPEARANCES: Duncan Miller, pro se.

OPINION BY ADMINISTRATIVE JUDGE FISHMAN

Duncan Miller has appealed from a decision of the Eastern States Office, Bureau of Land Management (BLM), dated May 31, 1977, canceling in part acquired lands oil and gas lease ES 10847. The lease had been issued for certain lands in T. 7 N., R. 2 W., Louisiana Meridian, Louisiana, with an effective date of August 1, 1973.

BLM received a letter on April 15, 1977, from the Director, Watershed and Minerals, Forest Service, indicating that certain lands in the Kisatchie National Forest had been conveyed to one Earl Nugent by exchange deed dated April 3, 1972. These lands within sec. 13, T. 7 N., R. 2 W., inter alia, had been conveyed to Nugent and had been inadvertently included in the oil and lease in issue, ES 10847. BLM concluded in its May 31 decision that the lease had to be canceled as to those lands.

Appellant states that he is appealing because he does not know whether the action taken is correct and, therefore, he appeals on the ground that "there may be error in the cancellation--or for other reasons that may not be apparent to lessee."

[1] The action taken by BLM in cancelling the lease pro tanto was proper. It is well settled that if minerals are not owned by the United States, the lease embracing those minerals must be canceled. Duncan Miller, 5 IBLA 21 (1972); John E. Miles, A-27577 (June 12, 1959).

Herein, lands in section 13 had previously been conveyed to Earl Nugent; therefore, the BLM decision to cancel that part of ES 10847 covering such lands was proper.

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

---

Frederick Fishman  
Administrative Judge

We concur:

---

Newton Frishberg  
Chief Administrative Judge

---

Anne Poindexter Lewis  
Administrative Judge

